



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q79844

Naoki TSUCHIYA, et al.

Appln. No.: 10/777,067

Group Art Unit: 1626

Confirmation No.: 5628

Examiner: Laura L. Stockton

Filed: February 13, 2004

For: BENZIMIDAZOLE DERIVATIVE

**RESPONSE TO RESTRICTION AND**

**ELECTION OF SPECIES REQUIREMENT UNDER 37 C.F.R. § 1.111**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

A petition and the required fee are submitted herewith for a five (5) month extension of time to extend the time period for reply to the restriction and election of species requirement in the Office Action dated June 14, 2005 from July 14, 2005 to December 14, 2005.

In response to the restriction requirement, in which the Examiner indicated that Applicants may elect a single invention by proposing another group, Applicants elect to prosecute the following new group:

Claims 1-5 and 7-16 drawn to products of formula (I) wherein  $R^1$  and  $R^2$  do not together form a ring, X is  $-\text{CH}=\text{}$ , M is  $-\text{S}(\text{O})\text{m}-$ , J is a substituted or unsubstituted benzothiophene ring and E is  $\text{COOR}^3$ .

In response to the requirement for an election of species, Applicants elect compound No. 54.

Response to Restriction and Election  
of Species Requirement under 37 C.F.R. § 1.111  
U.S. APPLN. NO. 10/777,067

ATTY DKT Q79844

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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WASHINGTON OFFICE

**23373**

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Date: December 9, 2005